

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RONALD SORENSON,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. 3:16-CV-05227-BHS-JRC

ORDER GRANTING PETITIONER'S  
MOTION TO STAY

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction. The petition is filed pursuant to 28 U.S.C. § 2254.

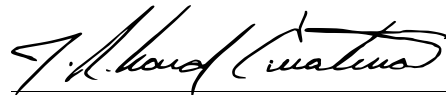
Petitioner has filed a motion to stay his habeas corpus petition and hold it in abeyance pending a ruling by the Washington State Court of Appeals on a personal restraint petition that he filed. Dkts. 9, 9-1. Petitioner also states that if the Washington State Court of Appeals affirms or denies review, he will seek review before the Washington State Supreme Court. *Id.* Respondent did not file a response to petitioner's motion. *See* Dkt.

A district court may stay a petition if: (1) petitioner has "good cause" for failure to exhaust the claims in state court; (2) the unexhausted claims are potentially meritorious; and (3)

1 there is no indication that petitioner intentionally engaged in dilatory litigation tactics. *Rhines v.*  
2 *Weber*, 544 U.S. 269, 278 (2005).

3 After reviewing the motion and the record, the Court grants the motion to stay this  
4 petition and hold it in abeyance. The matter is stayed until November 2, 2016. Petitioner will file  
5 a report and, if needed, a motion to extend the stay on or before October 19, 2016 - 14 days before  
6 the stay ends. Petitioner will inform the Court of the status of the state proceedings. The report  
7 will include the state court cause number. Should the state court dismiss the petition or  
8 terminate review, petitioner will inform the Court and file a motion to lift the stay within 30 days  
9 of the state court's action. Petitioner's failure to file a proper report or inform the Court of the  
10 termination of state review may result in the Court issuing a report and recommendation that this  
11 petition be dismissed.

12 Dated this 2<sup>nd</sup> day of May, 2016.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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